

Application Number 09/737,540
Amendment dated January 26, 2005
Reply to Office Action of November 18, 2004

REMARKS

The allowance of claims 1-9 is acknowledged.

Claims 18 and 20 are rejected under 35 U.S.C. § 102(e) as being anticipated by Yew, *et al.* (U.S. Patent Number 6,265,780). Claims 18, 21 and 25 are rejected under 35 U.S.C. § 102(e) as being anticipated by Horstmann, *et al.* (U.S. Patent Number 6,541,863). In view of the amendments to the claims and the following remarks, it is believed that the claims are allowable over the cited references, and, therefore, reconsideration of the rejections is requested.

Claim 19 is indicated as containing allowable subject matter. Accordingly, independent claim 18 is amended to incorporate the subject matter of allowable claim 19, and claim 19 is cancelled. Claim 24 is also cancelled as being a substantial duplicate of claim 19. As a result of the amendments, all of the rejected claims now incorporate the subject matter of allowable claim 19. Accordingly, it is believed that the rejections are overcome, and reconsideration of the rejections is requested.

Claim 18 is also amended to remove the language that refers to chemical mechanical polishing (CMP). The Examiner refers to the CMP subject matter as a product-by-process limitation, and, therefore, gives the limitation no patentable weight. Accordingly, with no patentable weight being given to that subject matter, claim 18 as amended to incorporate the subject matter of allowable claim 19 is believed to be allowable, despite removal of the subject matter related to CMP.


New claim 26 is added to set forth that the first insulation layer has a chemically mechanically polished top surface. It is believed that this limitation is not merely a process step, since "polished" can refer to the condition of a surface. Furthermore, since new claim 26 depends on claim 18, which now incorporates the allowable subject matter of claim 19, it is believed that new claim 26 is also allowable.

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In view of the foregoing remarks, it is believed that all claims pending in the application (claims 1-6, 8, 9 and 18, 20-23, 25 and 26) are in condition for allowance, and such allowance is respectfully solicited. If a telephone conference will expedite prosecution of the application, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

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